

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

20230930-DK-BUTTERFLY-1, INC., f/k/a BED BATH & BEYOND INC.

DEFENDANTS

RYAN COHEN and RC VENTURES LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James A. Hunter, Law Office of James A. Hunter, 201 King of Prussia Road, Suite 650, Radnor, Pennsylvania 19087 // Tel: (484) 275-2162

ATTORNEYS (IF KNOWN)

David H. Wollmuth, Esq., Joshua Mark Slocum, Esq., Maxwell George Dillon, Esq., and Yating Wang, Esq., Wollmuth Maher & Deutsch LLP, New York, NY

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Recovery of "short-swing" profit under Section 16(b) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. § 78p(b).

Has this action, case, or proceeding, or one essentially the same, been previously filed in SDNY at any time? No Yes Hon. Dale E. Ho
(If yes, Judge Previously Assigned)

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date June 11, 2024 & Case No. 22-cv-9733 (DEH)

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES				
CONTRACT	PERSONAL INJURY	<p><input type="checkbox"/> 110 INSURANCE</p> <p><input type="checkbox"/> 120 MARINE</p> <p><input type="checkbox"/> 130 MILLER ACT</p> <p><input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT</p> <p><input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT</p> <p><input type="checkbox"/> 151 MEDICARE ACT</p> <p><input type="checkbox"/> 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)</p> <p><input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS</p> <p><input type="checkbox"/> 160 STOCKHOLDERS SUITS</p> <p><input type="checkbox"/> 190 OTHER CONTRACT</p> <p><input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY</p> <p><input type="checkbox"/> 196 FRANCHISE</p>	<p><input type="checkbox"/> 310 AIRPLANE</p> <p><input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER</p> <p><input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY</p> <p><input type="checkbox"/> 340 MARINE</p> <p><input type="checkbox"/> 345 MARINE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 350 MOTOR VEHICLE</p> <p><input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY</p> <p><input type="checkbox"/> 360 OTHER PERSONAL INJURY</p> <p><input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE</p>	<p><input type="checkbox"/> PERSONAL INJURY</p> <p><input type="checkbox"/> 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY</p> <p><input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY</p> <p><input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY</p> <p><input type="checkbox"/> PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 OTHER FRAUD</p> <p><input type="checkbox"/> 371 TRUTH IN LENDING</p>	<p><input type="checkbox"/> FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY</p> <p><input type="checkbox"/> 21 USC 881</p> <p><input type="checkbox"/> 690 OTHER</p> <p><input type="checkbox"/> PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 COPYRIGHTS</p> <p><input type="checkbox"/> 830 PATENT</p> <p><input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION</p> <p><input type="checkbox"/> 840 TRADEMARK</p>	<p><input type="checkbox"/> BANKRUPTCY</p> <p><input type="checkbox"/> 422 APPEAL</p> <p><input type="checkbox"/> 28 USC 158</p> <p><input type="checkbox"/> 423 WITHDRAWAL</p> <p><input type="checkbox"/> 28 USC 157</p>	<p><input type="checkbox"/> OTHER STATUTES</p> <p><input type="checkbox"/> 375 FALSE CLAIMS</p> <p><input type="checkbox"/> 376 QUI TAM</p> <p><input type="checkbox"/> 400 STATE REAPPORTIONMENT</p> <p><input type="checkbox"/> 410 ANTITRUST</p> <p><input type="checkbox"/> 430 BANKS & BANKING</p> <p><input type="checkbox"/> 450 COMMERCE</p> <p><input type="checkbox"/> 460 DEPORTATION</p> <p><input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)</p> <p><input type="checkbox"/> 480 CONSUMER CREDIT</p> <p><input type="checkbox"/> 485 TELEPHONE CONSUMER PROTECTION ACT</p> <p><input type="checkbox"/> 490 CABLE/SATELLITE TV</p> <p><input checked="" type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE</p> <p><input type="checkbox"/> 890 OTHER STATUTORY ACTIONS</p> <p><input type="checkbox"/> 891 AGRICULTURAL ACTS</p> <p><input type="checkbox"/> 893 ENVIRONMENTAL MATTERS</p> <p><input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT</p> <p><input type="checkbox"/> 896 ARBITRATION</p> <p><input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION</p> <p><input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES</p>
REAL PROPERTY	ACTIONS UNDER STATUTES						
	CIVIL RIGHTS	<p><input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner)</p> <p><input type="checkbox"/> 441 VOTING</p> <p><input type="checkbox"/> 442 EMPLOYMENT</p> <p><input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS</p> <p><input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT</p> <p><input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER</p> <p><input type="checkbox"/> 448 EDUCATION</p>	<p><input type="checkbox"/> IMMIGRATION</p> <p><input type="checkbox"/> 462 NATURALIZATION</p> <p><input type="checkbox"/> 550 CIVIL RIGHTS</p> <p><input type="checkbox"/> 555 PRISON CONDITION</p> <p><input type="checkbox"/> 560 CIVIL DETAINEE</p> <p><input type="checkbox"/> CONDITIONS OF CONFINEMENT</p>	<p><input type="checkbox"/> PRISONER CIVIL RIGHTS</p> <p><input type="checkbox"/> 550 CIVIL RIGHTS</p> <p><input type="checkbox"/> 555 PRISON CONDITION</p> <p><input type="checkbox"/> 560 CIVIL DETAINEE</p>	<p><input type="checkbox"/> FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-THIRD PARTY</p> <p><input type="checkbox"/> 26 USC 7609</p>		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ 47,173,868 OTHER JUDGE DOCKET NUMBER Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN x IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

20230930-DK-Butterfly-1, Inc., f/k/a Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, New Jersey 07083 (County of Union)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Ryan Cohen and RC Ventures LLC, P.O. Box 25250, PMB 30427, Miami, Florida 33102-5250 (County of Miami-Dade)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I have reviewed Rules 18(a) and 20(a) of the Rules for the Division of Business Among District Judges, Southern District of New York, and I hereby certify that this case should be assigned to the courthouse indicated below pursuant thereto.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE Aug. 1, 2024 /s/ James A. Hunter

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
 NO
 YES (DATE ADMITTED Mo. June Yr. 2010)
 Attorney Bar Code # JH-1910

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Daniel Ortiz, Acting Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

